

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7426 OF 2020

**SHYAM VENKATRAO VIBHUTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioner : Shri Jain Vishwajit R. (Kamboj)
AGP for Respondent 1 : Shri S.R. Yadav Lonikar
...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 17th August, 2021

Per Court :-

1. The petitioner has put forth prayer clause C as under
:-

“C) Issue writ of mandamus or any other appropriate writ or direction and be pleased to direct to the Respondent No.2 to select to the petitioner for the post of Workshop Instructor and issue an appointment order in favour of petitioner for the post of Workshop Instructor.”

2. Respondent No.2/ Dr.Babasaheb Ambedkar Technological University published an advertisement on 30.12.2019 inviting applications from the candidates belonging to Scheduled Tribe category for filling in the backlog of Group C

posts. There were 3 posts. One of the post was of the Workshop Instructor (“Nirdeshak, Yantra Karagir”). The written examination was scheduled from 10:00 am to 11:00 am on 11.01.2020 and technical examination was scheduled in between 11:00 am to 01:00 pm on the same day. Merit list was to be published at 03:00 pm. Interviews were scheduled at 04:00 pm and thereafter, the final select list was to be published. Those candidates, who were selected, would then be invited for verification of their documents, character/ antecedent verification and medical examination, in between 14.01.2020 to 25.01.2020. On 16.01.2020, the select list was declared. No selection was made for the posts of Laboratory Instructor and Workshop Instructor. Only one candidate was selected as the Laboratory Assistant.

3. The contention of the petitioner is that he has learnt that he was the only candidate, who had applied for the post of the Workshop Instructor. Therefore, he should be selected and appointed, irrespective of his performance, as there was no other candidate.

4. It is settled law that even if a candidate is selected to a particular position, that does not give him a right to

appointment. In the instant case, three posts were advertised and out of which, the University selected one candidate for only one post of Laboratory Assistant. The University did not find any suitable candidate for the remaining two categories. Merely because the petitioner is the only applicant in a particular category, assuming that hearsay information of the petitioner is correct, this Court cannot step into the shoes of the Selection Committee and declare that the petitioner was suitable, deserves selection and therefore, should be selected and appointed. It is admitted by the petitioner that he did not receive any call letter for verification of his documents, for medical examination and for his character verification.

5. In view of the above, we refuse to exercise our writ jurisdiction under Article 226 as we do not find any merit in this petition. The same is, therefore, dismissed.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)